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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/725,943	12/02/2003	Yuuichirou Tsuruta	HGM-119-A	4465
21828	7590	09/21/2005	EXAMINER	
CARRIER BLACKMAN AND ASSOCIATES 24101 NOVI ROAD SUITE 100 NOVI, MI 48375			COLLADO, CYNTHIA FRANCISCA	
			ART UNIT	PAPER NUMBER
			3618	

DATE MAILED: 09/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/725,943

Applicant(s)

TSURUTA ET AL.

Examiner

Cynthia F. Collado

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 December 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☒ Claim(s) 11 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on 04 December 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                         |                                                                             |
|-----------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____                                                |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____                                                             | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. Claims 1-4 and 6-7 are rejected under 35 U.S.C. 102(e) as being anticipated by Matsuura et al (Us Patent No. 6, 920,949).

Regarding claim 1, Matsuura discloses a fuel tank and a seat mounted above a body frame in a front to rear direction (see figure 13, elements 52 and 50), an internal combustion engine mounted on a lower portion of the body frame (see column 2 lines 22-34) and see figure 13, element 46), a carburetor is attached to the internal combustion engine (see column 2, lines 22-34), a main air cleaner for filtering air to be supplied to the internal combustion engine is attached to the carburetor (see figure 13, elements 142 and 145), carburetor is provided with an air passage (see figure 13, element 140) for exerting an atmospheric pressure on a level of a fuel in a float chamber of the carburetor (see column 5, lines 31-40), a supplemental air cleaner is provided additionally on an end portion of the air passage (see figure 13, element 144) also (see column 5, lines 41-45), supplemental air cleaner is disposed above the internal combustion engine and above the anterior of the carburetor of the main air cleaner (see figure 13, element 144) also (column 5, lines 31-40).

Regarding claim 2, Matsuura discloses a frame body (see figure 1, element 40), a fuel tank mounted to the frame body (see figure 1, element 52), a seat mounted to the frame body (see figure 1, element 50), an internal combustion engine mounted on the frame body comprising an carburetor (see column 2, lines 35-40) also (see figure 13, element 142), a main air cleaner operatively connected to the carburetor (see figure 13,

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element 145), an air vent passage for exerting atmospheric pressure on the level of fuel in a float chamber of the carburetor (see column 6, lines 32-40), a supplemental air cleaner disposed above the internal combustion engine (see figure 13, element 144), and above the anterior to said carburetor and main air cleaner, supplemental air cleaner being in fluid communication with said air vent passage (see column 5, lines 30-50), supplemental air cleaner is protected from upward fluid splash (see column 5, lines 46-59).

Regarding claims 3 and 4, Matsuura discloses a supplemental air cleaner disposed behind the fuel tank and below the seat (see figure 13, element 52, 50 and 144).

Regarding claims 6 and 7, Matsuura discloses a supplemental air cleaner having an air intake provided facing downwardly in a lower rear portion and in biased relation toward the rear part of the body (see figure 13, element 140).

### ***Claim Rejections - 35 USC § 102***

2. Claims 8, 9 and 10 rejected under 35 U.S.C. 102(e) as being anticipated by Kuji et al (US Patent No. 6,776,250).

Regarding claim 10, Kuji teaches an air cleaner comprising a funnel shaped intake port (see figure 4, element 29) having a wide top portion and a narrow bottom portion comprising an inlet tube located below the side edge of the top portion (see figure 4, element 28).

Regarding claim 8, Kuji teaches a dome shaped case with an outlet pipe integrally formed (see figure 4, element 28), a porous filter that fits inside of the case

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(see figure 4, element 27, a funnel shaped intake port which attaches to a lower portion of the case (see figure 4, element 29).

Regarding claim 9, Kuji teaches a cylindrical filter-storing portion for storing the filter, and connecting portion formed with an annular groove (see figure 4, element 22 and 27).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Matsuura et al (US Patent No. 6, 920,949) in view of Kuji et al (US Patent No. 6,776,250).

Regarding claim 5, Matsuura does not teach a cleaner comprising a funnel shape intake port, however Kuji teaches an air cleaner comprising a funnel shaped intake port (see figure 4, element 29) having a wide top portion and a narrow bottom portion comprising an inlet tube located below the side edge of the top portion (see figure 4,

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element 28). It would have been obvious to one of ordinary skilled in the art at the time of the invention was made to modify the supplemental air cleaner of Matsuura to include a funnel shaped intake port having a wide top portion and a narrow bottom portion comprising an inlet tube located below the side edge of the top portion of Kuji so as to provide cleaner air flowing through the funnel shaped intake port.

***Allowable Subject Matter***

6. Claim 11 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

An engagement portion at an upper end, formed with an annular rib extending around for engagement with the inside of the case.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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US Patent No. 6,892,842 issued to Bouffard et al teaches an air intake for a straddle type all terrain vehicles.


US Patent No. 6,868,932 issued to Davis et al teaches a modular vehicle drive train.

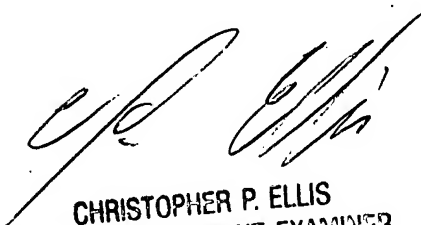
US Patent No. 6,823,956 issued to Shimizu teaches a drive belt cooling system for small vehicle.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cynthia F. Collado whose telephone number is (571)2728315. The examiner can normally be reached on mon-fri 8-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Ellis can be reached on (571)2726914. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

 7/12/05  
CFC

  
CHRISTOPHER P. ELLIS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600

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